

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAJARMAAL SMITH,
Petitioner,

v.

CHRISTIAN PFEIFFER,
Respondent.Case No. [16-cv-00413-WHO](#) (PR)**ORDER OF TRANSFER;
INSTRUCTIONS TO CLERK**

In this federal habeas action, petitioner Jarmaal Smith, now housed at Kern Valley State Prison, challenges a disciplinary decision by his former jailors at Pelican Bay State Prison which cost him 60 days of good time credits. If a habeas petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(b)(2); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Accordingly, this action is TRANSFERRED to the Eastern District of California, as that is the district of confinement.


The Clerk shall amend the docket to reflect that Christian Pfeiffer, the warden of the prison in which Smith is housed, is the proper respondent in this action. Currently no respondent is named. Pfeiffer is the proper respondent in this action, as he is the custodian having day-to-day control over Smith, the only person who can produce “the body” of the

petitioner. *Brittingham v. United States*, 982 F.2d 378, 379 (9th Cir. 1992) (quoting *Guerra v. Meese*, 786 F.2d 414, 416 (D.C. Cir. 1986)).

The Clerk shall transfer this action forthwith.

IT IS SO ORDERED.

Dated: February 11, 2016


WILLIAM H. ORRICK
United States District Judge

United States District Court
Northern District of California